

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	CRIMINAL NO. 22-CR-136 (PJS/BRT)
)	
v. Plaintiff,)	
)	MOTION FOR DISCLOSURE
DERRICK MAURICE SCOTT,)	OF <i>BRADY</i> MATERIALS
)	
Defendant.)	

The defendant through his attorney, Kevin W. DeVore, moves this Court for an order directing the government to disclose to Defendant any and all favorable or exculpatory evidence, that is any evidence that may tend to mitigate the Defendant's guilt of the charged offenses or may reduce the punishment that might be imposed, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963); and *United States v. Bagley*, 473 U.S. 667, 676 (1985). This request includes impeachment evidence that may be used against any government witness, including records of conviction, and promises or inducements to witnesses in return for testimony or information against Defendant. *See, Giglio v. United States*, 405 U.S. 150 (1972). Said order of the Court should require the government's disclosure to include, but is not limited to, the following information:

1. Any and all documents related to prior criminal convictions of any government informants or witnesses;
2. Any and all documents, evidence or witnesses favorable to the Defendant and material to either his guilt or punishment;

3. Any and all documents, reports, or official statements regarding claims or charges of aggressive, assaultive or coercive behavior on the part of the government informant;

4. Any and all materials which tend to impeach any government witness including, but not limited to, the witness's criminal history, admissible under Rule 609 of the Federal Rules of Evidence, and any prior inconsistent statements of that witness or statement of that witness inconsistent with other witnesses for the government;

5. Any and all evidence of promises made to any witness by the government about their testimony or cooperation, relief from forfeiture, charging decisions, sentencing relief, immigration treatment, special treatment of family members, or any other benefits or promises made. Included in this request is evidence of any oral or written contracts between the witness and the government, plea agreements, letters recognizing offers, and notes of conversations between the government agents and the witness;

6. A list of any and all witnesses who will be called to testify at trial, along with any contradictory statements they may have made;

7. Any and all evidence affecting the credibility or probative value of any testimony or other evidence produced by the government;

8. Any and all evidence of items seized from any parties not named in the Indictment, which tends to identify them as the persons who committed the crime as opposed to the Defendant;

9. Any witnesses, statements, recordings, reports or other evidence that state, suggest or in any way indicate that Defendant is not guilty of any wrongdoing, acted without criminal intent, and/or acted without knowledge that his/her activities were in violation of any law;

10. Any and all evidence of any promises or grant of immunity given to any prospective government witness;

11. Any and all evidence of the existence and identification of each occasion on which any prospective government witness has testified before any court, grand jury or tribunal, participated in any deposition, or has given any statement or provided information that relates to this matter; and

12. Any other materials relevant to impeachment of any prospective government witness, including evidence of any witness's prior lies or untruthfulness, bias or prejudices regarding the Defendant, and the success or failure of any witness's prior cooperation with the government.

This Motion is based upon the Indictment and all of the files, records and proceedings herein, and any and all matters which may be presented prior to or at the time of the hearing of this Motion.

Dated: August 1, 2022

s/ Kevin W. DeVore

Kevin W. DeVore, #267302

724 Bielenberg Drive, Suite 110

Woodbury, MN 55125

(651) 435-6500

Attorney for Defendant Derrick Maurice Scott